



MINUTES

**BRYAN PLANNING AND ZONING COMMISSION
REGULAR MEETING
THURSDAY, JANUARY 18, 2007
AT 6:00 P.M.
COUNCIL CHAMBERS, BRYAN MUNICIPAL BUILDING
300 SOUTH TEXAS AVENUE, BRYAN, TEXAS**

Disclaimer: *The meeting minutes herein are a summarization of meeting proceedings, not a verbatim transcription.*

1. CALL TO ORDER

Chairperson Hughes called the regular meeting to order at 6:11 p.m.

Commission members present were: Mr. Michael Beckendorf, Mr. Johnny Bond, Mr. John Clark (Vice Chairperson), Mr. Ralph Davila, Mr. Robert Horton, Mr. Art Hughes (Chairperson), Mr. Michael Parks and Mr. Don Maxwell (Parliamentarian).

Commission member absent was: Mr. G.H. Jones.

Staff members present were: Mr. Kevin Russell, Director of Development Services; Ms. Lindsey Guindi, Planning Manager; Mr. John Dean, Transportation Planner; Mr. Randy Haynes, Staff Planner; Ms. Janis Hampton, Assistant City Attorney; and Ms. Charmaine McKinzie, Planning Recorder.

2. HEAR CITIZENS

No one came forward.

3. RECOGNITION OF AFFIDAVITS FILED IN RESPONSE TO STATE LAW ON DISCLOSURE OF LOCAL OFFICIAL'S CONFLICT OF INTEREST

Commissioner Horton filed an affidavit in response to state law on disclosure of local official's conflict of interest regarding regular agenda item #10, Rezoning RZ07-06. Commissioner Horton will not participate in deliberation or voting on this agenda item.

4. CONSENT AGENDA (Items may be removed at the request of two Commission members.)

A. Approval of minutes from workshop and regular meetings on January 4, 2007.

B. CONSIDERATION – Street Closing SC06-06

J. Dean

Request to close an approximate 15 foot by 125 foot portion of the 80-foot wide right-of-way of N Reed adjoining Block 231 of the Bryan Original Townsite in Bryan, Brazos County, Texas.

C. CONSIDERATION – Final Plat FP06-25

R. Haynes

Proposed final plat of AutoZone Sims Addition consisting of 2.673 acres of land north west of the intersection of North Texas Avenue and State Highway 21 in Bryan, Brazos County, Texas.

Commissioner Maxwell moved to approve the Consent Agenda. Commissioner Horton seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

Chairperson Hughes moved to suspend the rules to consider agenda items 5, 6 and 7 out of order. Commissioner Maxwell seconded the motion, and the motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF VARIANCES (Commission has final approval; appeals may be directed to City Council.)

6. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-33

J. Dean

A request to allow a reduction in the minimum required lot depth for a commercial lot from 200 feet to 125 feet for Lots 9, 10, and part of alley, Block 231 in the Bryan Original Townsite, located at 909 West William Joel Bryan Parkway in Bryan, Brazos County, Texas.

Mr. John Dean, Transportation Planner, presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that he will be giving one staff report for agenda items 6 and 7. Mr. Dean stated that the applicant requests a variance to the minimum lot depth of 200 feet generally required on commercial properties. The applicant is requesting approval of a lot which is only 125 feet deep. This property is currently being used as a retail establishment and the applicant has proposed to make some substantial improvements to this site. Currently the structure on this property straddles two lot lines, which necessitates the replatting of this property and the need for this variance request. Additionally, the minimum lot size generally required on commercial lots is 20,000 square feet. In this case, because of the limited depth of this property, the size of this lot is only 14,375 square feet, thus necessitating a variance to lot size requirements. Staff recommends approving both variances requested with case numbers PV06-33 and PV06-34. No one had any questions for staff.

The public hearing was opened.

Mr. Christian A. Galindo, of 3107 Rolling Glenn, Bryan, Texas representing the applicant made himself available for questions from the Commission. No one had any questions for Mr. Galindo.

The public hearing was closed.

Commissioner Bond moved to approve Planning Variance PV06-33, as requested, accepting the findings of staff. Commissioner Parks seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

- 7. PUBLIC HEARING/CONSIDERATION – Planning Variance PV06-34** **J. Dean**
A request to allow a reduction in the minimum lot size for a commercial lot from 20,000 square feet to 14,375 square feet for Lots 9, 10, and part of alley, Block 231 in the Bryan Original Townsite, located at 909 West William Joel Bryan Parkway in Bryan, Brazos County, Texas.

Chairperson Hughes advised that Mr. Dean had presented a staff report for this item with his presentation of agenda item #6 (Planning Variance PV06-33).

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Maxwell moved to approve Planning Variance PV06-34, as requested, accepting the findings of staff. Commissioner Bond seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUEST FOR APPROVAL OF RESUBDIVISION

- 5. PUBLIC HEARING/CONSIDERATION – Replat RP06-21** **J. Dean**
Replat of Lots 9, 10 and part of the alley into Lot 9R, Block 231 in the Bryan Original Townsite consisting of .330 acres of land at the intersection of North Reed and William Joel Bryan in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant has made a request to replat Lots 9 and 10 and part of the alley in Block 231 of Bryan Original Townsite. The applicants approached city staff about making

some improvements to an existing retail shop at this location. During the development process, it was discovered that this structure is built on two lots, thus creating the need for the replat. As a part of this replat, the applicants also wish to close a small portion of Reed Street right-of-way. The Site Development Review Committee and staff recommend approving this request.

Responding to a question from Commissioner Parks, staff responded no sidewalks are required to be installed along Reed Street, because there is no curb and gutter there currently.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to approve Replat RP06-21, as requested. Commissioner Parks seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none.

The motion passed with a unanimous vote.

REQUESTS FOR APPROVAL OF VARIANCES (Commission has final approval; appeals may be directed to City Council.)

8. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-02

J. Dean

A request to allow head in parking on South Texas Avenue for Lot 2, Block 1 of the North Oakwood Subdivision, located at 3828 South Texas Avenue in Bryan, Brazos County, Texas.

Mr. Dean presented a staff report (on file in the Development Services Department). Mr. Dean advised the Commission that the applicant had redeveloped this property and would like to allow the use of existing on-street head-in parking in front of the building on Texas Avenue. The applicant contends that the spaces are helpful to the property and do not pose a significant impediment to traffic on Texas Avenue. Staff contends that these parking spaces create an unsafe situation on Texas Avenue in which vehicles are forced to utilize a portion of Texas Avenue as a parking maneuvering area, thus increasing the likelihood of traffic collisions and otherwise disrupting the flow of traffic.

Mr. Dean advised that on October 13, 2005 the applicant made this same request to the Planning and Zoning Commission; that request was denied. Since that time, the head-in parking has not been closed, prompting action by City of Bryan Code Enforcement Division. The parking has now been closed temporarily while this current request is pending. This current request differs from the previous request in that it seeks to reduce the number of parking spaces on Texas Avenue from 4 to 3, and to change the angle of these spaces. Staff contends that these changes do not negate the fact that vehicles still must use part of the right-of-way to maneuver into and out of the parking areas, thus creating a substantial hazard to vehicular traffic on Texas Avenue. Staff recommends denial of this request.

Responding to questions from the Commission, staff responded that the number of parking spaces would be reduced to two if vehicles were parked parallel to Texas Avenue. Mr. Dean advised that the applicant is aware of other options for parking lot design that would not utilize the right-of-way, but has decided to go ahead with this variance request.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Parks moved to deny Planning Variance PV07-02, accepting the findings of staff. Commissioner Maxwell seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Parks stated the backing out onto Texas Avenue at this location is very dangerous.

Commissioner Clark voiced concerns about the applicant being able to come back before the Commission with this same request.

The motion passed with a unanimous vote.

9. PUBLIC HEARING/CONSIDERATION – Planning Variance PV07-03

R. Haynes

A variance request to the front building setback from the minimum 25 feet to 15 feet for Lot 3, Block 199 of the Bryan Original Townsite, located at 604 West 21st Street in Bryan, Brazos County, Texas.

Mr. Randy Haynes, Staff Planner, presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that the applicant wishes to move an existing site built dwelling unit onto the lot at 604 West 21st Street. The applicant is proposing to align the new house with the other existing houses on the block. The four lots on the south side of Block 199 are undeveloped. Mr. Haynes pointed out that when the other three lots develop, their owners will also be required to observe the required 25 foot setback. Staff believes that compliance with the current standard will not impose significant hardship upon the owner/applicant. The applicant has presented no compelling reason to grant the variance. Staff recommends denying this request for variance.

Responding to a question from Commissioner Parks, Mr. Haynes responded that the reason the applicant asked for the variance is so that he can have a bigger back yard and shorten the length of the driveway. Mr. Haynes advised the Commission that the applicant had to work and was therefore unable to attend the meeting.

The public hearing was opened.

No one came forward.

The public hearing was closed.

Commissioner Clark moved to deny Planning Variance PV07-03, accepting the findings of staff. Commissioner Davila seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

Commissioner Beckendorf stated that need to encourage new residential building construction in Bryan.

The motion passed with a vote of seven (7) in favor and one (1) in opposition. Commissioner Beckendorf cast the vote in opposition.

REQUEST FOR APPROVAL OF REZONING (Commission makes recommendation; City Council has final approval.)

10. PUBLIC HEARING/CONSIDERATION – Rezoning RZ07-06

R. Haynes

A request to change the zoning classification from 'MF' Multi-Family Residential District to 'RD-5' Residential District – 5000 for Block 1, Lots 1-54 in the Oak Knoll Subdivision generally bounded by 31st, Bennett, Bob White and Walker Streets in Bryan, Brazos County, Texas.

Chairman Hughes advised the Commissioner Horton will not be participating in the Planning Variance PV07-03 due to conflict of interest.

Mr. Haynes presented a staff report (on file in the Development Services Department). Mr. Haynes advised the Commission that property owners within the Oak Knoll Subdivision have submitted a complete petition for a City-initiated zoning change to an 'R-NC' Residential Neighborhood Conservation District on all lots in this subdivision. Even though most of the lots in this subdivision are developed with single-family homes, lots in Block 1 are zoned 'MF' Multi-Family District which may not be rezoned 'R-NC' District. Mr. Haynes reminded that during the December 14, 2006 Planning and Zoning Commission workshop meeting Commissioners directed staff to initiate a rezoning request to a Residential District – 5000 (RD-5) for all lots in this subdivision now zoned 'MF' District. Staff recommends approving RD-5 zoning, as requested.

Responding to questions from the Commission, Mr. Haynes stated that all but one lot in this subdivision are developed and that there are no multi-family residences.

The public hearing was opened.

Mr. Tommy McGilvray, of 1520 Bennett Street, Bryan, Texas, came forward to speak in favor of the request.

The public hearing was closed

Commissioner Beckendorf moved to approve Rezoning RZ-07-06, as requested, accepting the findings of staff. Commissioner Bond seconded the motion.

Chairperson Hughes asked if there was any discussion on the Commission.

There was none

The motion passed with a unanimous vote. Commissioner Horton did not participate in deliberation or voting on this agenda item due to a conflict of interest.

11. COMMISSION CONCERNS

Commissioner Beckendorf stated the need to a look at everything on a case by case basis.

Commissioner Clark stated that he felt workshop meetings should not be rushed.

Commissioner Parks urged to use logic when it comes to sidewalks.

Commissioners Maxwell, Davila, Bond, Horton and Hughes expressed their compliments to staff for the detailed and easy-to-understand packets.

12. ADJOURN

Without objection, Chairperson Hughes adjourned the meeting at 7:40 p.m.

These minutes shall serve as the official findings of the City of Bryan Planning and Zoning Commission, as approved on this the **15th** day of **February, 2007**.

Art Hughes, Chairperson
Planning and Zoning Commission
City of Bryan, Texas

Lindsey Guindi, Planning Manager and
Secretary to the Planning and Zoning
Commission